

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Security Life Insurance Company of
America,

Civil No. 11cv01358 MJD/JJK

Plaintiff,

ORDER

v.

Southwest Reinsure, Inc., et al.,

Defendant.

WHEREAS, this Court issued its Order for Settlement Conference on April 20, 2012 (Doc. No. 64), ordering that “each party, armed with full settlement authority, shall be present in person” (*Id.*); and

WHEREAS, the Order for Settlement Conference also stated: “If individuals are parties to this case, they must be present in person.” (*Id.*); and

WHEREAS, Defendant James B. Smith failed to attend the settlement conference on June 8, 2012, in disobedience of this Court’s order; and

WHEREAS, this Court has concluded that Defendant Smith’s violation of the Court’s order was willful because his counsel, who attended the settlement conference, offered no good cause for Mr. Smith’s refusal to attend the settlement conference. This Court concludes that Mr. Smith’s violation of the Court’s order was willful because the only justification offered by his counsel for his failure to attend was that it would not be “helpful” to the settlement process to

have Mr. Smith present; and

WHEREAS, this Court has authority to sanction a party for failure to attend a pretrial settlement conference. See *Universal Cooperatives, Inc. v. Tribal Co-Operative Marketing Development Federation of India, Ltd.*, 45 F.3d 1194 (8th Cir. 1995); Fed. R. Civ. P. 16(f)(1)(A), (C).

IT IS HEREBY ORDERED that within ten (10) days of this Order Defendant James B. Smith must pay Plaintiff Security Life Insurance Company of America, as a sanction for the violation of this Court's order, the sum of \$3,000.00 for Plaintiff Security Life Insurance Company of America's costs, including attorney's fees and other expenses, in connection with this matter.

Dated: June 8, 2012

s/ Jeffrey J. Keyes

JEFFREY J. KEYES

United States Magistrate Judge